

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

On February 28, 2018, this Court issued an order (ECF No. 7), dismissing plaintiff's amended complaint (ECF No. 6), with leave to amend. In that order, the Court noted that Plaintiff's amended complaint appeared to be a photocopy of his original complaint (ECF No. 3), and did not address the deficiencies noted in the Court's previous screening order (ECF No. 2). Plaintiff was given a deadline of April 2, 2018 to file a second amended complaint. Plaintiff was informed that if he chooses to file another amended complaint, he must assert facts that address the defects of original and amended complaints.

On April 2, 2018, Plaintiff filed a second amended complaint (ECF No. 8). Again, Plaintiff has merely provided a photocopy of the original complaint. As Plaintiff has already been given two opportunities to address the deficiencies in his complaint but has not made any attempt to do so, the Court will recommend that the complaint be dismissed with prejudice.

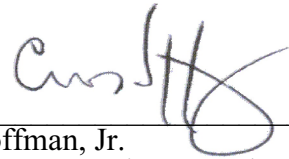
**RECOMMENDATION**

**IT IS HEREBY RECOMMENDED** that Plaintiff's complaint be dismissed with prejudice.

**NOTICE**

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

DATED: April 5, 2018



C.W. Hoffman, Jr.  
United States Magistrate Judge